

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Lamont Rider,

Plaintiff,

v.

Palmetto Publishing,

Defendant.

Case No. 2:24-cv-6897-RMG

**ORDER**

Before the Court is the Report and Recommendation (R&R) of the Magistrate Judge recommending summary dismissal of Plaintiff's case. (Dkt. No. 24). Plaintiff did not file any objections to the R&R. For the reasons set forth below, the R&R is adopted as the Order of the Court.

**I. Background**

Plaintiff alleges that Defendant violated his Fourteenth Amendment rights by distributing a manuscript by Plaintiff without payment and seeks compensatory and punitive damages. (Dkt. No. 14 at 4). Plaintiff, a citizen of Arizona, claims that the Court is vested with diversity jurisdiction to hear his claim. (*Id.* at 3).

The Magistrate Judge recommends summary dismissal of Plaintiff's case, noting that Plaintiff has not alleged any facts to indicate that he satisfies the amount in controversy requirement of 28 U.S.C. § 1332(a) and has failed to state a viable constitutional claim where he does not allege that Defendant acted under the color of state law.

**II. Legal Standard**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with

this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

### **III. Discussion**

Upon review of the record, the Court finds no clear error and adopts the R&R as the Order of the Court. Plaintiff does not plead any facts that would support this Court's exercise of jurisdiction over his claim. Similarly, Plaintiff fails to state a claim as a matter of law where he alleges a private newspaper violated his constitutional rights. In light of the foregoing, the Court dismisses this action without prejudice, without issuance and service of process and without further leave to amend.

**AND IT IS SO ORDERED.**

s/ Richard M. Gergel  
Richard Mark Gergel  
United States District Judge

June 5, 2025  
Charleston, South Carolina